

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HOWARD K. STERN,

Plaintiff,

vs.

RITA COSBY and  
HACHETTE BOOK GROUP USA, INC.  
d/b/a Grand Central Publishing,

Defendants.

**MOTION TO ADMIT *PRO  
HAC VICE***

Case No. 1:07-CV-08536-DC

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Belina Anderson, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Katherine V. Hernacki (GA Bar No. 727027)  
POWELL GOLDSTEIN LLP  
One Atlantic Center  
Fourteenth Floor  
1201 West Peachtree Street, N.W.  
Atlanta, Georgia 30309  
Telephone: (404) 572-6600  
Facsimile: (404) 572-6999

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
2007 OCT 31 PM 3:03

Ms. Hernacki is a member in good standing of the Bar of the State of Georgia. There are no pending disciplinary proceedings against Ms. Hernacki in any State or Federal court.

Dated: October 29, 2007

Respectfully submitted,



Belina Anderson, Esq.  
SDNY Bar Roll Number BA5133  
GILBERTI STINZIANO HEINTZ & SMITH, P.C.  
Attorneys for Plaintiff, Howard K. Stern  
885 Third Avenue, Suite 2730  
New York, New York 10022-4834  
Telephone: (212) 588-8868  
Facsimile: (212) 588-8894

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**AFFIDAVIT OF BELINA  
ANDERSON IN SUPPORT  
OF MOTION TO ADMIT  
KATHERINE V. HERNACKI,  
ESQ. *PRO HAC VICE***

Case No. 1:07-CV-08536-DC

STATE OF NEW YORK     )  
                                      ) s.s.:  
COUNTY OF NEW YORK    )

Belina Anderson, being duly sworn, hereby deposes and says as follows:

1. I am associated with the law firm of Gilberti Stinziano Heintz & Smith, P.C., counsel for the Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein. I submit this affidavit in support of Plaintiff's motion to admit *pro hac vice*, Katherine V. Hernacki, an associate with the Atlanta, Georgia law office of Powell Goldstein LLP with an address and telephone number as follows: One Atlantic Center, Fourteenth Floor, 1201 West Peachtree Street, NW, Atlanta, Georgia 30309-3488; telephone number (404) 472-6600.

2. Katherine V. Hernacki, an associate with the Atlanta, Georgia law office of Powell Goldstein LLP, will act as counsel for the Plaintiff. Plaintiff has also separately moved for the *pro hac vice* admission of four other attorneys with the Powell Goldstein firm: L. Lin Wood, a partner; Nicole Wade, a partner; John C. Patton and Luke Lantta.

3. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1989.

4. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

5. Gilberti Stinziano Heintz & Smith, P.C., will act as local counsel to Powell Goldstein LLP in this action.

6. I have not personally met Ms. Hernacki, but I understand Ms. Hernacki to be an associate working with L. Lin Wood, Esq., who will act as lead counsel for the Plaintiff.

7. Upon information and belief, Ms. Hernacki was admitted to practice law in the State of Georgia on November 27, 2000.

8. A Certificate of Good Standing reflecting Ms. Hernacki's good standing as an attorney admitted to the bar of the State of Georgia is annexed hereto and made part hereof as Exhibit A.

9. It is my understanding that Ms. Hernacki is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

10. I believe that Plaintiff will benefit from Ms. Hernacki's participation as counsel for the Plaintiff in this lawsuit, with my law firm acting as local counsel.

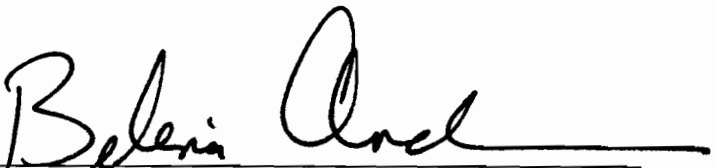
11. I believe that Ms. Hernacki meets all of the qualifications for admission *pro hac vice* and to practice law before the courts of this State.

12. Accordingly, I am pleased to move for the admission of Katherine V. Hernacki, *pro hac vice*.

13. I respectfully submit a proposed order granting the admission of Katherine V. Hernacki, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Katherine V. Hernacki, *pro hac vice*, to represent Plaintiff in the above captioned matter, be granted.

Dated: October 29, 2007  
New York, New York

  
Belina Anderson, Esq. (SDNY Bar Roll #BA5133)

Sworn to before me this 29 day  
of October, 2007.

  
Notary Public

PAUL D. NAISH, Notary Public  
State of New York, No. 31-4830695  
Qualified in New York County  
Commission Expires May 31, 2011

# STATE BAR OF GEORGIA



*Lawyers Serving the Public and the Justice System*

Ms. Katherine V. Hernacki  
Powell Goldstein LLP  
1201 W. Peachtree Street, N.W., 14th Floor  
Atlanta, GA 30309

**CURRENT STATUS:** Active Member-Good Standing

**DATE OF ADMISSION TO PRACTICE:** 11/27/2000

**Attorney Bar Number:** 727027

Today's Date: October 11, 2007

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

## STATE BAR OF GEORGIA

*Brandy Preston*

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
Atlanta, Georgia 30303  
(404) 527-8700 ■ (800) 334-6865  
FAX (404) 527-8717  
www.gabar.org

### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
P.O. Box 1390  
Tifton, Georgia 31793-1390  
(229) 387-0446 ■ (800) 330-0446  
FAX (229) 382-7435

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HACHETTE BOOK GROUP USA, INC.,  
d/b/a Grand Central Publishing, and  
JOHN or JANE DOE,

Defendants.

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**CERTIFICATE OF SERVICE**

Case No. 07-CIV-8536-DC

I hereby certify that on October 30, 2007, I served a true and correct copy of the foregoing Plaintiff's Motion to Admit Pro Hac Vice, dated October 29, 2007, on defendants Rita Cosby and Hachette Book Group USA, Inc., d/b/a Grand Central Publishing, by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to their attorneys as follows:

Elizabeth A. McNamara, Esq.  
Davis Wright Tremaine LLP  
1633 Broadway  
New York, New York 10019

*Attorneys for Def. Rita Cosby*

Douglass B. Maynard, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
590 Madison Avenue  
New York, New York 10022

*Attorneys for Def. Hachette Book Group  
USA, Inc.*

Dated: October 31, 2007  
New York, New York

Respectfully submitted,

GILBERTI STINZIANO HEINTZ & SMITH, P.C.

A handwritten signature in black ink, appearing to read "Belina Anderson", is written over a horizontal line.

Belina Anderson, Esq. (Bar Roll No. BA5133)

GILBERTI STINZIANO HEINTZ & SMITH, P.C.

*Attorneys for Plaintiff*

885 Third Avenue, Suite 2730

New York, New York 10022

Tel: (212) 588-8868

Fax: (212) 588-8894